



GRANT COUNTY  
WATER CONSERVANCY BOARD  
*Application for Change/Transfer*  
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF  
THE STATE OF WASHINGTON  
**Report of Examination**

RECEIVED

SEP 29 2006

DEPARTMENT OF ECOLOGY  
EASTERN REGIONAL OFFICE

**NOTE TO APPLICANT:** Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.



Surface Water

☒ Ground Water

DATE APPLICATION RECEIVED <b>March 8<sup>th</sup>, 2006</b>	WATER RIGHT DOCUMENT NUMBER <b>4834-A</b>	WATER RIGHT PRIORITY DATE <b>October 19<sup>th</sup>, 1960</b>	BOARD-ASSIGNED CHANGE APPLICATION NUMBER <b>GRANT-06-003</b>
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NAME <b>Elliott Christensen, Corporation Presiding Bishop LDS Church (CPB)</b>	(CITY) <b>Salt Lake City</b>	(STATE) <b>Utah</b>	(ZIP CODE) <b>84150-6320</b>
ADDRESS (STREET)			

Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of diversion/withdrawal  
☐ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interests, etc.)

**SEPA**

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

**FAMILY FARM**

Ground Water Right Certificate 4834-A is **NOT** classified as a Family Farm Certificate in accordance with Chapter 90.66 RCW.

**BACKGROUND AND DECISION SUMMARY**

**Existing Right (Tentative Determination)**

MAXIMUM CUB FT/ SECOND N/A	MAXIMUM GAL/MINUTE 200	MAXIMUM ACRE-FT/YR 64	TYPE OF USE, PERIOD OF USE Annual Irrigation 17.47 acres & Domestic supply					
SOURCE 1 Well			TRIBUTARY OF (IF SURFACE WATER) N/A					
AT A POINT LOCATED:		¼ SW	¼ NE	SECTION 34	TOWNSHIP N. 19N	RANGE 28E	WRIA 41	COUNTY. Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED Within SW1/4 NE1/4 of Section 34, Township 19 North, Range 28 East, W.M. Grant County								
PARCEL NO.	¼	¼	SECTION		TOWNSHIP N.		RANGE,	

**Proposed Use**

MAXIMUM CUB FT/ SECOND N/A	MAXIMUM GAL/MINUTE 105	MAXIMUM ACRE-FT/YR 18.5			TYPE OF USE, PERIOD OF USE Annual Irrigation 7 acres			
SOURCE 1 Well					TRIBUTARY OF (IF SURFACE WATER) N/A			
AT A POINT LOCATED: PARCEL NO. NW1/4NW1/4		¼ NW	¼ NW	SECTION 26	TOWNSHIP 19N	RANGE 28E	WRIA 41	COUNTY. Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED NW1/4NW1/4 Section 26, Township 19N, Range 28E, WRIA 41, Grant County Tax Parcel number 100719006 & 007.								
PARCEL NO.	¼	¼	SECTION		TOWNSHIP N.		RANGE.	

**Board's Decision of Application**

MAXIMUM CUB FT/ SECOND N/A	MAXIMUM GAL/MINUTE 105	MAXIMUM ACRE-FT/YR 18.5	TYPE OF USE, PERIOD OF USE Annual Irrigation 7 acres					
SOURCE 1 Well			TRIBUTARY OF (IF SURFACE WATER) N/A					
AT A POINT LOCATED: PARCEL NO. NW1/4NW1/4		¼ NW	¼ NW	SECTION 26	TOWNSHIP 19N	RANGE 28E	WRIA 41	COUNTY. Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED NW1/4NW1/4 Section 26, Township 19N, Range 28E, WRIA 41, Grant County Tax Parcel number 100719006 & 007.								
PARCEL NO.	¼	¼	SECTION		TOWNSHIP N.		RANGE	

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**DESCRIPTION OF PROPOSED WORKS**

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Connecting and upgrading an existing well to existing pressure distribution, lawn sprinkler, and baseball diamond irrigation systems.

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**DEVELOPMENT SCHEDULE**

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BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Dec 2006	Dec 2008	Dec 2009

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**REPORT**

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**BACKGROUND** [See WAC 173-153-130(6)(a)]

In March 2006 Mr. Rich Walpole PE, of Columbia Northwest Engineering, acting as an agent for the Corporation Presiding Bishop LDS Church (CPB) filed an application with the Grant County Water Conservancy Board (GC WCB) for a change to the Point of Withdrawal, Place of Use, and Purpose of Use for a portion of the water authorized by Ground Water Right Certificate 4834-A. The application was accepted at an open public meeting of the GC WCB and the board assigned their number GRAN-06-003 to this request. The Department of Ecology issued an OK to proceed and has assigned their WRATS number of CG3-\*05763C to this request for Change of Water Right.

*Attributes of the water right as currently documented*

Name on certificate, claim, permit: Bailey M. Young [Land owned now by Earl & Vickie Hubsmith]

Water right document number: 4834-A

Priority date, first use: October 19, 1960

Water quantities: Qi: 400 gpm Qa: 160 acre-feet

Source: 1 Well

Point of withdrawal: SW1/4NE1/4 Section 34, Township 19 North, Range 28 East, W.M.

Purpose of use: Seasonal Irrigation 40 acres and Continuous Domestic Supply

Period of use: Seasonal Irrigation annually April 1<sup>st</sup> to October 31<sup>st</sup>, Domestic Supply continuously

Place of use: 40 acres with SW1/4NE1/4, Section 34, Township 19 North, Range 28 East, W.M. Grant County, WRIA 41

Existing provisions:

- This certificate is also issued subject to any prior rights to artificially stored ground water which may be established by declaration as provided in Sections 90.44.160 and 90.44-170 RCW.
- Water allocated for Irrigation purposes in this Certificate maybe used until such time as the Columbia Basin Project waters are made available for the lands described herein as the place of use. At that time the volumetric withdrawal shall be proportionately reduced to correspond to the acreage, which is not being, or to be served by project waters.

*Tentative determination of the water right*

The tentative determination is provided on the front page of this report. The owner of the ground water right certificate was found to have been putting the major portion of this right to beneficial use but has recently sold part of the certificate's authorized place of use. As a certificated water right "goes with the land" he could not now sell what he doesn't own. The authorized amount of water is reduced to reflect the land he owns at the time of this Record of Examination.

*History of water use and Previous changes*

Bailey E. Young submitted Application number 5763 to Appropriate Public Ground Water of the State of Washington on Oct 19, 1960. Permit number 5476 was issued April 3, 1961. Proof of Appropriation was completed and Certificate number 4834-A was issued June 12<sup>th</sup>, 1964.

*SEPA*

Ground Water Right Certificate G3-28551C allowable flow rate of 470 gpm and is below the 2250-gpm SEPA exemption. This Change Application is **Exempt** from the SEPA requirements.

*FAMILY FARM*

Ground Water Right Certificate 4834-A having a priority date before December 8, 1977 is not classified as a Family Farm Certificate in accordance with Chapter 90.66 RCW.

**COMMENT AND PROTESTS** [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the COLUMBIA BASIN HEARALD on April 25<sup>th</sup> and May 2<sup>nd</sup>, 2006. An error was found in the place of use section number and a corrected Public Notice was published on June 5<sup>th</sup> and 12<sup>th</sup>, 2006.

There were no protests received during the 30-day protest period that ended July 12<sup>th</sup>, 2006. In addition, no oral or written comments were received at an open public meeting of the board or other means as designated by the board.

## INVESTIGATION [See WAC 173-153-130(6)(c)]

In considering the proposed change/transfer, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Certificate 4834-A and other water rights/claims/applications in the vicinity; (3) water well reports for the applicant's wells, and other wells in the vicinity; (4) DOE files, (5) USDA Farm Service Agency annual fly-over aerial photographs, (6) Grant County On-line GIS and Tax Assessors Records, and (7) Field Examination by the GC WCB.

The following information was obtained from a site inspection conducted by GC WCB commissioners Robert S. Rolfness, Keith Ellis, and Ron Baker on September 7<sup>th</sup>, 2006, during which time the applicant's agent, Rich Walport, and the water right owner, Mr. Hubsmith, were available.

The old authorized Place of Use is located approximately 1 mile south of I-90 freeway and 1/2 mile east of Moses Lake, just south of the City of Moses Lake. This location lies within the geographical area described in the U.S. Bureau of Reclamation's declaration of ownership of artificially stored ground water and called the Quincy Basin special management area, but this certificate predates and is not effected by the QB special management rules.

The old Place of Use was found to be in the process of development into one acre home building sites. A review of the county GIS maps shows this area as 37.78 acres and has been platted into 33 one-acre home site lots. Mr. Hubsmith indicated he had irrigated the area with a circle pivot irrigation machine until the 2004 growing orchard grass and Alfalfa. After which time the pivot was removed and large irrigation pump replaced with a 5 hp unit for irrigation of his home one-acre. Inspection of the USDA FSA compliance flyover photos for 2003, 2004, and 2005 clearly show this change. Mr. Hubsmith has sold several of the platted lots. He did not make an agreement with the new owners to keep the water right or put such language into the transfer deed or plat plan. A review of the Grant County Tax Assessor's on-line database showed Mr. Hubsmith owns lots within the old place of use totaling 18.3 acres. See discussion Existing Right (Tentative Determination) below.

The new Place of Use and Point of Withdrawal are approximately two miles north of the old place of use within the city limits of Moses Lake and are the grounds of the Moses Lake LDS church. An existing 15 hp turbine pump, with an installed flow meter, and well were found. These were supplying water to an underground pop-up lawn sprinkler system for the church grounds, landscaping, and a baseball field. The applicant indicated this system and well had been in operation for many, but an unknown number of years, and in checking a valid right could not be found which authorized either the well or the use of the water. The Church is purchasing a portion of Mr. Hubsmith's certificate to support their activities and thus this Request for Change.

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The GC WCB has received and is processing at the same time as this change a second Request for Change of Water Right for the remainder of Mr. Hubsmith's certificate 4834-A from the a second buyer, Cascade Valley Water District.  
See WRATS number CG3-\*05763C@1

### *Tentative Determination*

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment.

The Board's tentative determination was based upon the following:

- Field Examination observations.
- Discussion with the applicant.
- Grant County PUD Power Invoices
- Grant County Tax Assessors data base
- USDA FSA compliance fly-over aerial photos

The GC WCB determined from the water right holder and verified by the FSA flyover aerial photos an agricultural crop had been grown on the Place of Use until 2004. Mr. Hubsmith indicated the pivot was 660 ft long. Operating in a full circle mode it was supplying water to 29.5 acres. The water usage was also supported by Grant County PUD power records, which had been metering the single 30 hp pump, and by the type crop being grown. Using the highest two out of the last five years water usage the board determined a beneficial use average of 118 acre-ft over 29.5 acres.

But, Mr. Hubsmith has developed and sold building lots from his place of use retaining at the present time 18.47 acres of the original 39 acres. He did not retain the water rights in the Sale Deeds of Transfer, platting documentation, or separate agreements with the buyers. Also this 18.47 acres owned by him is reduced one more acre to 17.47 acres because he did not farm commercially the parcel on where his personal home is constructed. The total acre-feet was determined by reducing the total that had been used in the two highest consumptive years out of the last five to the 17.47 acres within the place of use Mr. Hubsmith now owns. Or, 64 acre-feet considering the less than 4 acre-foot requirement of the orchard grass/alfalfa crop grown..

### *Review of Return Flow:*

Because a change of use for an 18.5 acre-feet portion of the total determined 64 used or available for transfer acre feet of the of water right 4834-A was requested the Water Conservancy Board considered this amount of water subject to return flow in its calculation of an Annual Consumptive Quantity (ACQ) as required by RCW 90.03.380. The board reviewed the above ground sprinklers used with the pivot irrigation system and the sprinkler systems being used at the new place of use. Plus the

type of "crop" to be/were irrigated at each place of use was considered. The board believes both irrigation systems and crops have the same return flow even though one purpose of use is for commercial agricultural crop and the other lawn and landscaping. Therefore, ACQ was determined to be the same as the tentative determination of allowable water for transfer. In effect there is no increase or decrease in the amount of water, ACQ, being transferred due to the same return flow at each place of use.

*Geologic, Hydrogeologic, or other scientific investigations (if applicable)*

Applications for change of water permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdrawal public ground water may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that: (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require showing of compliance with the terms of the amendment.

The 1961 well log of Mr. Hubsmith's well indicates its 10-inch diameter, drilled to 157 ft depth, with a static water level of 83 ft. Over the years a 250 hp turbine, 30 hp turbine, 20 hp turbine, and 5 hp pumps have been installed.

The parameters of the existing well at the new place of use are not known. From talking with the applicant's representative, who is also a Consulting Engineer and has been working with the LDS Church landscaping water system for years and LAD Irrigation, who installed the pump in the 1960s, it's felt the well is about the same depth.

The board has determined the requested new Point of Withdrawal, existing well, would tap the same aquifer or source of public water as the original authorized well. It can't be proven but there is consideration both wells may be hydraulically coupled to Moses Lake, which is less than a mile from each location.

*Impairment Analysis*

"Impair" or "impairment" means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection; and/or 2) to prevent the beneficial use of the water to which one is entitled; and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below flow levels established by rule (POL-1200); and/or 4) degrade the quality source to the point that the water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The GC WCB found there would not be any impairment of existing water rights based on these considerations.

- There is no known history of impairment in the area and the same amount as the of the additional water has been withdrawn for decades from the new point of withdrawal.
- There is no increase in water quantity by this change.

**FINDINGS and CONCLUSIONS [See WAC 173-153-130(6)(d)]**

*Tentative determination (validity and extent of the right)*

The Grant County Water Conservancy Board found:

- Ground Water Right 4834-A is a valid Certificate.
- Ground Water Right Certificate 4834-A in an amount of 200 gallons per minute, 64 acre-feet for the purpose of seasonal irrigation of 17.4 acres is available for change or transfer.
- There are no relinquishment or abandonment concerns with Ground Water Certificate 4834-A

*Hydraulic analysis and Impairment*

The board found there has been no documented history of pumping interference between existing wells in the area of the new place of use. It is not anticipated that the proposed the new point of withdrawal will not cause impairment to existing water rights because same amount of water will be withdrawn from the same aquifer and from a location close to the old well.

*Consideration of comments and protests*

There was no comments or protests received by the board or the Department.

*Public Interest or Welfare*

There has been no public expression, protest, or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed change.

**DECISION [See WAC 173-153-130(6)(e)]**

It is the conclusion of the Grant County Water Conservancy Board that, in accordance with Chapters 90.03 and 90.44 this application for change the Point of Withdrawal, Purpose of Use, and Place of Use of Ground Water Certificate 4834-A maybe granted in that it will not enlarge the quantity of authorized water or place of use, nor will it impair existing rights or be detrimental to the public welfare provided the provisions below are followed.

**PROVISIONS [See WAC 173-153-130(6)(f)]**

All conditions and requirements contained in reports of examination or permits previously issued apply to this change unless specifically noted below.

An approved measuring device shall be installed and maintained for each source identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring devices to meet the above conditions.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and place of use specified.

This authorization to make uses of public water of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

A Superceding Certificate of water right will not be issued until a final examination is made.

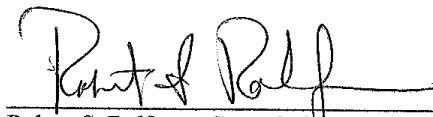
Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes.

Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

**Water Well Construction.** All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells)

**WAC 173-160-381 Water Well Decommission.** Any well that is unusable, abandoned, or whose use has been permanently discontinued or which is in such disrepair that its continued use is impractical or is an environmental, safety, or public health hazard shall be decommissioned. The decommissioning procedure is prescribed in WAC 173-160-381 and shall be recorded and reported to the Department of Ecology.

Signed at Moses Lake, Washington  
This 28 day of September, 2006



Robert S. Rolness, Commissioner  
Grant County Water Conservancy Board

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GRANT COUNTY  
WATER CONSERVANCY BOARD  
Application for Change/Transfer

For Ecology Use Only	
Received:	SEP 29 2006
Date Stamp	
DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE	

Record of Decision

APPLICANT: Elliott Christensen, Corporation Presiding Bishop LDS Church (CPB)

DOE WRATS Number: CG3-\*05763C

This record of decision was made at an open public meeting of the Grant County Water Conservancy Board held on September 28, 2006

☒ **Approval:**

The Grant County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on September 28<sup>th</sup>, 2006 and submits this record of decision and report of examination to the Department of Ecology for final review or consideration.

☐ **Denial:**

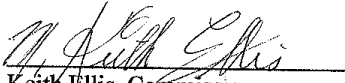
The Grant County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review or consideration.

Signed:

\_\_\_\_\_  
W. Ron Baker, Commissioner  
Grant County Water Conservancy Board

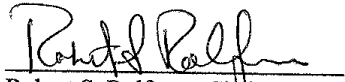
Date: \_\_\_\_\_

Approves ☐  
Denies ☐  
Recuse ☐

  
Keith Ellis, Commissioner  
Grant County Water Conservancy Board

Date: 9/28/06

Approves ☒  
Denies ☐  
Recuse ☐

  
Robert S. Rolfness, Chair  
Grant County Water Conservancy Board

Date: 9/28/06

Approves ☒  
Denies ☐  
Recuse ☐

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via tracked mail, and other interested parties on September 28<sup>th</sup>, 2006.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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**For attachments not included or for more information please contact:**

**Karen Tusa**  
**Water Resources Program**  
**Department of Ecology, Eastern Region Office**  
**4601 N. Monroe**  
**Spokane WA 99205**  
**Phone (509) 329-3585**  
**Fax (509) 329-3529**  
[ktus461@ecy.wa.gov](mailto:ktus461@ecy.wa.gov)